

CERTIFICATE OF FILING

I hereby certify that this paper and every paper referred to therein as being enclosed is being filed with the USPTO electronically via EFS-Web or via first class mail addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date below

Date: March 19, 2009

By /Jennifer Archer/
Jennifer Archer

Docket No. 104093-8 KGB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Frank BERENDES et al
SERIAL NO. : 10/669,424
CUSTOMER NO. : 27384
FILED : September 24, 2003
FOR : PROCESS FOR PREPARING 3-HETEROARYL-3-HYDROXYPROPANOIC ACID DERIVATIVES
ART UNIT : 1625
EXAMINER : 5072

March 19, 2009

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

SIR:

Pursuant to 37 CFR §§ 1.56, 1.97 and 1.98, Applicants respectfully request that the Examiner consider the references listed on the attached Form PTO/SB/08.

I. Timeliness, Fees and Certifications in lieu of Fees

This information disclosure statement is being filed after mailing of a final Office Action or a notice of allowance, but on or before the payment of the issue fee. Pursuant to 37 CFR § 1.97(d), consideration of this information disclosure statement requires a petition, which Applicants hereby request, and payment of the petition fee, which is set forth in 37 CFR § 1.17(i), and which the Commissioner is hereby authorized to charge to Deposit Account No. 14-1263. Consideration of this information disclosure statement also requires a statement under 37 CFR § 1.97(e):

Applicants hereby state that each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

II. Copies of Listed References

Copies of all references listed on the attached Form PTO SB 08 are being supplied.
Copies of U.S. patents are not included pursuant to 37 CFR § 1.98 (a) (2) (ii).

III. Concise Statement of Relevance

All references listed on the attached Form PTO-1449 are in the English language, and, therefore, a concise statement of relevance is not required.

Consideration of the foregoing in relation to this application is respectfully requested.

Respectfully submitted,
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